

<b>Subject:</b>	<b>Council Complaints and Compliments Review:</b> <ul style="list-style-type: none"> <li>Formal Complaints</li> <li>Ombudsman Complaints</li> <li>Compliments</li> </ul>	<b>Status:</b>	For Publication		
<b>Report to:</b>	Performance Overview and Scrutiny Council	<b>Date:</b>	24 <sup>th</sup> September 2012 26 <sup>th</sup> September 2012		
<b>Report of:</b>	Director of Customers and Communities, Director of Business	<b>Portfolio Holder:</b>	Customers, Legal and Licensing		
<b>Key Decision:</b>	No – reserved for Full Council	Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
<b>Equality Impact Assessment:</b>	Required:	No	Attached:	No	
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached:	No	
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1.	<b>RECOMMENDATION(S)</b>
1.1	That members note the number of formal complaints received by the Council, compliments recorded and the Local Government Ombudsman's Annual Letter for the period 1 <sup>st</sup> April 2011 to 31 <sup>st</sup> March 2012, and the context around the complaints, compliments and timescales outlined.

## 2. PURPOSE OF REPORT

2.1 To update members on the following:-

- The complaints received by the Council for the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012.
- The Local Government Ombudsman's Annual Letter for the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012.
- The number of compliments received by the Council for the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012.

## 3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly all the Council's corporate priorities:

- **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

## 4. RISK ASSESSMENT IMPLICATIONS

4.1 There is a risk of damage to the Council reputation if complaints are not responded to in a timely manner. Complainants and the Ombudsman are kept up to date if there are extenuating circumstances or if a complaint is so complex that it requires more time than usual to respond.

4.2 Not monitoring complaints would create a risk of not learning from experiences. Complaints are regularly reviewed via Management Team and Portfolio Holder liaison meetings with Senior Managers.

## 5. BACKGROUND AND OPTIONS

5.1 Formal complaints made to the Council as well as Local Government Ombudsman complaints and compliments are administered by the Committee and Member Services Team. Complaints and compliments are a standing agenda item at Management Team meetings, and reports are provided to each meeting to ensure managers are aware of any outstanding complaints that require action within their service area. Weekly status updates on all live complaints and compliments are also sent to managers. From August, complaints and compliments are also being reviewed in Portfolio Holder briefing meetings with Senior Managers. The Council also receives the Local Government Ombudsman's Annual Letter, details of which are set out further on in the report.

This information should be considered in the context of The Council receiving over half a million contacts from customers (via the One Stop Shop, telephone and website) in any one year.

### 5.2 **Formal Complaints**

Formal complaints received by the Council are recorded and responded to by the relevant department. Officers and managers are asked to deal with customer complaints within the customer service standard of 10 working days: this is classed as a stage 1 response. Where it is not possible to send a full response in 10 days, a holding response is sent.

Once a complaint has been responded to, the customer has the opportunity to request a review if they are not satisfied with the response: this is classed as stage 2 of the complaints process. The stage 2 review will be undertaken by a Head of Service or Director. Once a stage 2 response has been sent, if the customer still does not feel they are satisfied with the response, they can take their complaint to the Local Government Ombudsman for consideration.

In the period 2011/2012, 142 formal complaints were recorded as follows:

Section	2009/2010	2010/2011	2011/2012
Communities - Community Engagement	0	0	1
Communities - Locality Teams	7	6	11
Communities - Parks and Open Spaces	0	1	1
Capita - Benefits	13	12	14
Capita - Council Tax	13	15	24
Capita - Call Centre	3	0	1
Capita - Council Tax Recovery	20	8	13
Capita - NNDR	0	0	1
Capita - One Stop Shop	0	2	0
Customer Services	2	1	1
Executive Office	0	0	1
Financial Services	0	0	2
Property Services	3	2	3
Committee and Member Services	0	0	7
Legal Services	2	1	4
Public Protection	3	3	6
Refuse & Cleansing	9	16	22
Communications	0	0	1
Development Control	18	13	26
Building Control	0	1	0

Forward Planning	1	0	0
Environmental Health	4	3	2
Regeneration Programmes	1	1	1
<b>Totals</b>	<b>99</b>	<b>85</b>	<b>142</b>

After a fall in the number of complaints from 2009/10 to 2010/11, the number of complaints received during 2011/2012 has risen by 57 compared to the year before. This is largely owing to an increase in complaints related to policy or procedure (+20), or technical/legal/regulatory issues (+23); there were also smaller increases in relation to poor communication (+7) and delayed/lack of response (+8), as detailed below:

Complaint type	2009/10		2010/11		2011/12	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Technical/legal/regulatory	33	33.3	18	21.1	41	28.8
Poor communication	13	13.2	5	5.9	12	8.5
Delayed response/lack of response	13	13.2	10	11.8	18	12.7
Complaint against named officer	6	6.1	8	9.4	6	4.2
Complaint received via MP	1	1.1	-	-	1	0.7
Complaint received via Councillor	3	3.1	1	1.2	1	0.7
Complaint re RBC policy or procedure	30	30.3	43	50.6	63	44.4
<b>Total</b>	<b>99</b>		<b>85</b>		<b>142</b>	

In relation to complaints made regarding a technical/legal/regulatory issue the service areas with the highest number of complaints were Planning (20 Development Control) and Capita (4 benefits, 5 council tax and 1 council tax recovery). Out of the planning complaints, 12 were in relation to customers not being happy with committee process and the outcome of the decision in relation to the access road to the wind farm at Crook Hill, Whitworth. The Capita complaints were mainly in relation to dealing with a change in circumstances for housing benefits and the collection of council tax arrears.

The majority of complaints made regarding Council policy/procedure were for the following service areas: Operations (14 refuse and cleansing) and Capita (5 benefits, 15 council tax and 10 council tax recovery). Of the 14 Operations complaints, 10 were in relation to the proposed changes to the rural refuse collections. Of the Capita complaints, 8 were in relation to bailiff activity to recover Council Tax arrears and 5 related to a delay in processing benefits.

5.3 During 2011/2012 the average number of days taken to deal with complaints was 7.57 days, which is within the customer service standard of 10 working days.

5.4 Over the last 3 years the methods used by customers to register formal complaints about the Council have been as follows:

Complaint Method	2009/10		2010/11		2011/12	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Feedback form	24	24.2	14	16.5	24	16.9
E-mail	37	37.4	31	36.5	56	39.4
On-line form	3	3.0	2	2.4	11	7.7
Letter	21	21.2	32	37.6	36	25.4
Telephone	10	10.1	3	3.5	9	6.4
Ombudsman referral	4	4.1	1	1.2	6	4.2
Face to face at One Stop Shop	-	-	2	2.3	-	-
<b>Total</b>	99		85		142	

This year e-mail has proved to be an increasingly popular medium for registering complaints, with over a third of customers choosing to contact the Council this way.

5.5 As part of the complaint investigation and response process, officers are required to assess whether or not the complaint was substantiated, based on the outcome of the investigation. Out of the total of 142 complaints received, 21(14.8%) were seen to be substantiated, 79 (55.6%) were seen to be unsubstantiated (one of which was withdrawn by the complainant), and a further 17 (12%) were seen as partially substantiated. No checklist was received for the remaining 25 (17.6%), so these have been unable to be categorised.

5.6 Out of the 142 complaints received in 2011/2012, in 109 cases, were resolved at stage 1. There were 33 stage 2 reviews, which were classified as follows:

- 2 - substantiated
- 3 - partially substantiated
- 22 - unsubstantiated
- 6 - no checklist

Of the 33 stage 2 cases, 4 were subsequently referred to the Ombudsman by the complainant. All 4 have subsequently been closed as “discontinued investigation”, as set out below.

### 5.7 **Local Government Ombudsman Complaints**

The Local Government Ombudsman (LGO) provides an Annual Summary of complaints they have received against the Council in the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012. A copy of this letter is attached at Appendix A.

5.8 The Local Government Ombudsman made decisions on 25 enquiries and complaints received against the Council as follows:-

Forwarded to Council as a premature complaint:	12
Advice given:	2
Forwarded in investigative team (resubmitted):	3
Forwarded to investigative team (new):	8

As can be seen from the information above, 12 of the Ombudsman complaints were referred back to the Council as the complainant had not followed the correct complaint procedure. Therefore the Ombudsman referred the complaint back to the Council to be processed through the Stage 1 and Stage 2 complaints process. If the complainant was still not satisfied with the Stage 1 and Stage 2 responses, only then would the Ombudsman decide whether to take up the complaint and investigate. Out of these only 1 went back to the Ombudsman and was referred for investigation.

The Ombudsman gave advice on two complaints. These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint. For example, the complaint may clearly be outside the LGO's jurisdiction (e.g. planning decisions).

During 2011/2012 there were 3 resubmitted investigations . These are cases where the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint after going through the Council's complaints process.

New investigations are complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. There were 8 new complaints referred to the Investigative Team. These figures may include some complaints that the Investigative Team have received but where they have not yet contacted the council.

Although the Ombudsman made decision on 25 enquiries and complaints, the council was only notified of 17 of these complaints during 2011/2012.

5.9 The Investigative Team made decisions on 7 of the complaints forwarded to them. This figure includes any complaints carried forward from the previous year which were concluded in 2011/12. These were concluded as follows:

<b>Not Investigated</b>	
No power to investigate	0
No reason to use exceptional power to investigate	3
Investigation not justified & Other	1
<b>Investigated</b>	
Not enough evidence of fault	1
No or minor injustice & Other	0
Injustice remedied during enquiries	2
<b>Maladministration Report</b>	0

The Investigative Team made a decision not to investigate 4 complaints.

One complaint relating to a planning application was closed as there was no evidence of fault or injustice and was closed at the Ombudsman's discretion. The Council was not notified of this complaint until the decision notice was issued.

Two complaints were closed during the period as “injustice remedied”. One was in relation to a council tax benefit enquiry complaint which had been referred by the Citizens Advice Bureau. During the course of the investigation, the issues surrounding the complaint were remedied and the investigation was closed. The other was in relation to a planning matter. These are decisions where during the course of the investigation, the Council remedied the complaint and the Ombudsman was satisfied with the action taken. The Ombudsman took 86 days to investigate the council tax benefit complaint.

During 2011/2012 there were no findings of maladministration.

- 5.10 The Local Government Ombudsman requires responses to their investigation enquiries within 28 calendar days from the date of the Ombudsman’s letter. The Council received 4 enquiries in 2011/2012 and the average response time was 38.3 days. However, two of the enquiries were responded to within the deadline.

The other two enquiries exceeded the deadline as they were received over the Christmas period, were of a complex nature, and there was only one member of staff who could fully respond to the enquiries and that person was on leave over the Christmas period. In addition the bailiffs offices were closed for much of this period, and the retrieval of the bailiffs’ archived records were also subject of the delay.

The Ombudsman was fully aware of these circumstances and agreed an extension for these enquiries owing to these reasons, however, this was not taken into account when reporting the statistics on the number of days taken to respond. It must be noted that Ombudsman deadlines do not run off working days and do not take into account statutory holiday periods, therefore this had an impact on the average number of days taken to respond.

The figures for previous years are below:

2010/2011 - 18 days  
2009/2010 - 22.3 days  
2008/2009 - 44 days

Of these 4 new enquiries, 2 were referred to the Ombudsman by the Citizens Advice Bureau and have since been closed (during 2012/2013) as “discontinued investigation” as there was no evidence of injustice. The other 2 enquiries were in relation to consultation on the proposed changes to the rural refuse collections, these enquiries have since been closed (during 2012/2013) as “discontinued investigation” at the Ombudsman’s discretion.

The Ombudsman took an average of 204 days to deal with each of these new enquiries.

- 5.11 There are some preliminary enquiries and premature complaints in existence. These are those complaints received by the Ombudsman, which the Council has not had sight of. In most instances, the Ombudsman will give the Council 12 weeks to put the complaint through the formal complaints system, after which they will make a decision on whether to close or proceed with a formal investigation. Premature complaints are recorded on the Council’s complaints figures to avoid duplication.
- 5.12 The Liaison Officer provides the Head of Legal and Democratic Services with a weekly update on open investigations. There are currently no open investigations. When investigations are opened, regular update meetings take place between the Liaison Officer and the Head of Legal and Democratic Services to discuss deadlines and any issues which may arise. These

meetings assist in compliance with the Ombudsman's response deadlines. A report is also provided to every Management Team Meeting and Ombudsman complaints are also recorded on the Council's quarterly monitoring reports, which go to Cabinet and Performance Overview and Scrutiny.

### 5.13 Compliments

In the 2011/2012 period the Council received 252 compliments and a breakdown of the last 3 years figures can be found below:

<b>2009/2010</b>	<b>2010/2011</b>	<b>2011/2012</b>
89	237	252

Similar to last year, a large proportion of compliments were received for the STAN service, which received 97 compliments this year.

5.14 An analysis of the 252 compliments for 2011/2012 can be found below along with the compliments for the previous two years:

<b>Service</b>	<b>Total 2009/2010</b>	<b>Total 2010/2011</b>	<b>Total 2011/2012</b>
Communications	8	8	3
Property Services	0	1	3
Refuse and Cleansing	4	35	26
Parks and Open Spaces	1	9	1
Capita – Business Rates	0	0	1
Capita - Benefits	0	1	1
Capita - OSS	3	4	4
ICT	0	0	1
Customer Services	1	3	2
STAN the Van	0	40	97
Community Engagement	0	5	2
Locality Teams	15	14	10
Regeneration Delivery	6	4	1
Regeneration Programmes	9	6	1
Environmental Health	1	3	2
Legal Services	3	26	34
Committee and Member Services	15	6	20
Elections	4	5	24
Public Protection Unit	3	4	7
Building Control	0	37	1
Forward Planning	0	0	1
Development Control	5	17	8
Land Charges	0	0	2
Human Resources	1	1	0
Policy & Performance	0	1	0
Financial Services	1	0	0
Executive Office	1	1	0
Emergency Planning	0	1	0

Capita – Council Tax	1	0	0
Community Safety	0	1	0
Communities - Service Development	4	3	0
Regeneration – Economic Development	3	1	0
<b>Total</b>	<b>89</b>	<b>237</b>	<b>252</b>

## **COMMENTS FROM STATUTORY OFFICERS:**

### **6. SECTION 151 OFFICER**

- 6.1 There are no financial implications arising from this report, however the Council does face the risk of financial penalty should the Ombudsman find maladministration against the council in any existing or future complaints. For the avoidance of doubt, during the period 2011/2012 the Ombudsman has not awarded any penalties against the Council.

### **7. MONITORING OFFICER**

- 7.1 The legal implications have been included within the report. In addition to Ombudsman investigations, the Monitoring Officer has statutory responsibility to consider and, where necessary, investigate illegality, maladministration or statutory breaches which may, in turn, also be reported to the Council.

### **8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

- 8.1 There are no human resources implications.

### **9. CONSULTATION CARRIED OUT**

- 9.1 Committee and Member Services, Legal Team, Cabinet, Management Team and Performance Overview and Scrutiny.

### **10. CONCLUSION**

- 10.1 Whilst The Council experienced an increase in complaints from 2010/11 to 2011/12, a number of these can be directly related to particular policy or legal decisions within the year. Feedback on our services is important to inform learning on how we can improve and is always welcomed, however, an increase in complaints is also disappointing and we continue to take the learning from these complaints to help us to inform service improvements. Complaints continue to be assessed via Management Team and from August 2012 they are also being reviewed with Portfolio Holders.
- 10.2 It is important to consider these figures in the context of The Council receiving well over half a million contacts from customers in any 12 month period.
- 10.3 We are pleased to note that our average response time for our own complaints process was well within our own Customer Service Standards.



- 10.4 The Council would like to thank the Ombudsman for the Annual Letter and their observations, and notes that the longer response times noted in fact relate to only 2 complaints, which were received over the Christmas holiday period and were particularly complex. The Ombudsman was fully aware of the circumstances and was happy to agree extensions to the response times. We will continue to strive to respond within the deadlines in all cases, where possible.
- 10.5 It is particularly pleasing to note that compliments have increased year on year since 2009/10, despite the on-going financial challenges we face, and we aim to continue this trend.

Appendices	
Document	Place of Inspection
Local Government Ombudsman's Letter 2011/12	Appendix A or available at <a href="http://www.lgo.org.uk/CouncilsPerformance/?letter=R">http://www.lgo.org.uk/CouncilsPerformance/?letter=R</a>

Background Information	
Document	Place of Inspection
Previous years reports and statistics	2011 Report: <a href="http://www.rossendale.gov.uk/downloads/F3b._Complaints_and_Ombudsman_2010_11_final.pdf">http://www.rossendale.gov.uk/downloads/F3b._Complaints_and_Ombudsman_2010_11_final.pdf</a>  2010 Report: <a href="http://www.rossendale.gov.uk/downloads/F1e._LG_Ombudsman_Annual_Letter_Cttee_Report_v2.pdf">http://www.rossendale.gov.uk/downloads/F1e._LG_Ombudsman_Annual_Letter_Cttee_Report_v2.pdf</a>

22 June 2012

Local Government  
**OMBUDSMAN**

Mrs Helen Lockwood  
Chief Executive  
Rossendale Borough Council  
Town Hall, Rawtenstall  
ROSSENDALE  
BB4 7LZ

Dear Mrs Lockwood

**Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number forwarded by the Advice Team to my office, and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries. The average for your authority was 38.3 days on 4 complaints – one of the highest amongst all the councils with which my office deals. I hope that you will be able to respond more promptly in the current year.

There are no issues arising from the complaints that I want to bring to your attention.

***Changes to our role***

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

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### ***Supporting good local public administration***

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

### ***Publishing decisions***

Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely



Anne Seex  
Local Government Ombudsman

**LGO advice team**

Enquiries and complaints received	Benefits & Tax	Corporate & Other Services	Environmental Services & Public Protection & Regulation	Housing	Planning & Development	Total
Advice given	0	0	0	1	1	2
Premature complaints	7	1	1	0	3	12
Forwarded to Investigative team (resubmitted)	0	0	1	0	2	3
Forwarded to Investigative team (new)	4	1	1	1	1	8
<b>Total</b>	<b>11</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>7</b>	<b>25</b>

**Investigative team - Decisions**

Not investigated			Investigated			Report	Total
No power to investigate	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
0	3	1	1	0	2	0	7

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	4	38.3